

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER BECK CORPORATION,
dba THE RAINBOW INN

Plaintiff,

v.

Civil Action No. 04-348 Erie

SAFECO CORPORATION,
AMERICAN ECONOMY INSURANCE
COMPANY, and AMERICAN STATES
INSURANCE COMPANY

Defendants.

CASE MANAGEMENT ORDER

AND NOW, to-wit, this 8th day of June, 2005,

IT IS ORDERED that the above-captioned civil action shall proceed under Local Rule 16.1 of this Court, for pretrial proceedings. All provisions of the Rule will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all case management, status or pretrial conferences in order to obtain authority for the purpose of participating in settlement negotiations to be conducted by the court. Counsel are encouraged to appear with their principals at all such conferences, or instruct the principals to be available by telephone to facilitate the amicable resolution of all litigation.

1. After consultation with the parties we find that this action is a Track I case.
2. The parties have not elected to have the case referred for voluntary arbitration.
3. Rule 26(a)(1) disclosure statements shall be exchanged no later than

June 24, 2005.

4. The parties may move to amend the pleadings or add new parties on or before

July 8, 2005.

5. The parties shall complete discovery on or before January 13, 2006.

All interrogatories, depositions, requests for admissions and requests for production shall be served within sufficient time to allow responses to be completed prior to the close of discovery.

6. The parties shall file motions for judgment on the pleadings, for summary judgment, or to dismiss, if appropriate, on or before February 1, 2006. All such motions shall be accompanied by a brief. Responses to such motions shall be accompanied by briefs and filed on or before February 22, 2006. Any reply briefs shall be due five (5) days after receipt of the Response.

7. If the parties do not file motions for judgment on the pleadings, for summary judgment, or to dismiss, plaintiff's pretrial narrative statement shall comply with Local Rule 16.1.4A and be filed on or before March 1, 2006. Counsel shall specify the material facts including damages to be proved at trial. Proof of material facts not specified may be excluded at trial upon objection or by the Court *sua sponte*.

8. If such dispositive motions are filed, and they are denied, plaintiff's pretrial narrative statement shall comply with Local Rule 16.1.4A and be filed within twenty-one (21) days after the Court's decision. Counsel shall specify the material facts including damages to be proved at trial. Proof of material facts not specified may be excluded at trial upon objection or by the Court *sua sponte*.

9. Defendant's pretrial narrative statement shall comply with Local Rule 16.1.4B and be filed within twenty-one (21) days of the filing of plaintiff's pretrial statement. Counsel shall specify the material facts to be proved at trial. Proof of material facts not specified may be excluded at trial upon objection or by the Court *sua sponte*.

10. Within twenty-one (21) days of the filing of defendant's pretrial statement, counsel for any third-party defendant shall file a brief narrative statement meeting the requirements of Local Rule 16.1.4C.

11. If requested by the parties, the Court will schedule a status conference.

12. If the case is not to be decided on dispositive motions, the case shall be called for trial in Late spring, 2006. Counsel are instructed to review the provisions of Local Rule 16.1.

13. The Court shall schedule a pretrial conference at a later date.

14. Subsequent to the pretrial conference, counsel for all parties may be ordered by the Court to meet at a mutually convenient place to complete a pretrial stipulation to further delineate the legal and factual issues involved.

15. It is estimated that trial will take 2 to 3 days.

16. Any exhibit which has not been identified by counsel in a pretrial narrative statement, except an exhibit to be used solely for impeachment purposes, shall not be admitted as evidence.

17. Any depositions or any portion thereof to be read into evidence shall be identified at the pretrial conference. Objections to the admissibility of any portion thereof shall be identified and submitted to the Court at the pretrial conference. This order does not include video taped qualifications of experts.

18. The anticipated absence of any witness shall not be sufficient cause to delay the trial. Video tape deposition service is available through the Clerk of Court.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior United States District Judge

cc: counsel of record *rw*